

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Apr 23, 2024**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: James Phillip Monaghan, III Case Number: 0980 2:19CR00206-TOR-1

Address of Offender: [REDACTED] Nespelem, Washington 99155

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: March 3, 2021

Original Offense: Sexual Abuse in Indian Country, 18 U.S.C. §§ 2242(2), 2246(2)(A), 1153

Original Sentence: Prison - 40 months Type of Supervision: Supervised Release
TSR - 120 monthsRevocation Sentence: Prison - 1 month
(07/27/2023) TSR - 120 months

Asst. U.S. Attorney: Earl Allan Hicks Date Supervision Commenced: August 17, 2023

Defense Attorney: Federal Defenders Office Date Supervision Expires: August 16, 2033

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 03/27/2024 and 04/10/2024.

On August 17, 2023, Mr. James Phillip Monaghan, III, signed his conditions relative to case number 2:19CR00206-WFN-1, indicating he understood all conditions as ordered by the Court.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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9

Special Condition #9: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Mr. Monaghan violated the terms and conditions of his supervised release by using marijuana on or about April 22, 2024

On April 22, 2024, Mr. Monaghan submitted a urinalysis that tested presumptive positive for marijuana and he readily admitted to smoking marijuana, "a few hours ago," to a U.S. probation officer and via a signed document. It should also be noted, during Mr. Monaghan's initial appearance on April 22, 2024, he admitted to using marijuana prior to this hearing.

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Re: Monaghan, III, James Phillip

April 23, 2024

Page 2

10 **Special Condition #8:** You must not enter into any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: It is alleged that Mr. Monaghan violated the terms and conditions of his supervised release by consuming alcohol on or about April 12 and 19, 2024.

Supporting Evidence: On April 22, 2024, Mr. Monaghan admitted to a U.S. probation officer, and via a signed document, that he consumed alcoholic beverages on or about April 12 and 19, 2024

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 23, 2024

s/Jonathan C. Bot

Jonathan C. Bot
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Thomas O. Rice
United States District Judge

April 23, 2024

Date